

**Notice of Allowability**

Application No.

09/724,336

Examiner

Sean Reilly

Applicant(s)

CHOW ET AL.

Art Unit

2153

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 9/21/2006.
2. ☒ The allowed claim(s) is/are 1-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
SUPAL DHARIA  
SUPERVISORY PATENT EXAMINER

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for the following claim amendments in this examiner's amendment was given in a telephone interview with Steve Yates on December 7, 2006.

The application has been amended as follows:

#### IN THE CLAIMS:

1. With regard to claims 1 and 12, replace "and a second resource of a second type" with "and a second resource of a second type different from the first type" in the first limitation of each claim.
  2. Claims 22 and 27 are replaced with the respective claims below.
22. (Currently Amended) A method, comprising:
- determining a first server is geographically closer to a client than a second server;
  - determining a first and a second efficiency rating of communication respectively between the client and the first and the second server, said ratings including efficiency for accessing a first resource type of the servers;

determining a third and fourth efficiency rating of communication respectively between the client and the first and the second servers, said ratings including efficiency for accessing a second resource type different from the first resource type;

determining a first and a second predicted reliability rating respectively for the first and second servers;

evaluating whether the first efficiency rating exceeds the second efficiency rating but the first predicted reliability is less than the second predicted reliability, and if so, providing a web page of the first server linking to content of the second server.

27. (Currently Amended) An article, comprising a storage medium having instructions encoded thereon, said instructions, which when executed by a processor, are capable of directing the processor to:

determine a first server is geographically closer to a client than a second server;

determine a first and a second efficiency rating of communication respectively between the client and the first and the second servers, said ratings including efficiency for accessing a first resource type of the servers;

determine a third and fourth efficiency rating of communication respectively between the client and the first and the

Art Unit: 2153

second servers, said ratings including efficiency for accessing a second resource type different from the first resource type;

determine a first and a second predicted reliability rating respectively for the first and second servers;

evaluate whether the first efficiency rating exceeds the second efficiency rating but the first predicted reliability is less than the second predicted reliability, and if so, providing a web page of the first server linking to content of the second server.

*Allowable Subject Matter*

Claims 1-31, as submitted by Applicant on September 21, 2006 and in view of the above amendments, are allowed.

The following is an Examiner's statement of reasons for allowance:

Claims 22 and 27 were amended to further clarify that content is routed to clients based on efficiency ratings for a particular content type and not the efficiency of the server in general.

Some references in the prior art of record determined efficiency by monitoring the transfer of a generic content file from each server to a client or by monitoring various file transfers between each server and client to calculate an overall efficiency rating for each server. However these prior art references were not concerned with routing content to clients based on server efficiency ratings that are measured and based on a specific resource or content type in the fashion that Applicant has claimed.

Art Unit: 2153

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Reilly whose telephone number is 571-272-4228. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 7, 2006



RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER